

cover. The umbrella of Kupferman has a totally different concept similar to the concept of Johnson and that is to prevent the umbrella from inverting when high wind blasts occur. Both references, Johnson and Kupferman, never use their umbrellas in two different modes. It is also pointed to the examiner that if the proposed modification is made to substitute the shade cover of Kupferman for the shade cover of Johnson and to further modify this modification with the teachings of Bilotti to provide an ultraviolet coat over the material of Kupferman, the windproof aspect of the Johnson umbrella is destroyed because the high winds cannot pass through the shade cover of Johnson anymore because the openings 34 in the cover 22 have been closed. Furthermore, Johnson defines the basic cover 20 as being made from water resistant material such as Nylon cloth. The examiner cannot modify this Nylon cloth with an air permeable material to suit a rejection of the claims. It is believed that one having ordinary skill in the art would not attempt to make such a modification. It has long been settled that once an examiner proposes a modification in one disclosure with another disclosure and when this proposed modification destroys the first disclosure that this is not an indicia of obviousness and cannot be maintained as a valid rejection. The examiner is using the applicant's disclosure as a teaching to modify three different references to reject the claims. This is not permissible. None of the references, even though found in the umbrella art, do not show or teach the dual mode of the claimed umbrella and that is: the umbrella can be used in a first mode by just using the shade cover during sunshine and then in a second mode to protect against rain by using a separate cover to be placed over the shade cover in case of rain. The rain cover is kept in the vicinity of the basic umbrella. The examiner has never addressed this dual mode which is not known in the references cited. All of the above has been claimed rejected by the examiner.

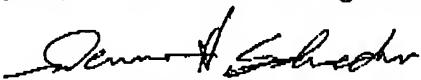
The examiner is respectfully requested to study the above arguments and is believed that the examiner will be persuaded to reconsider the rejections made in the

Office Action of 06/08/2006. The applicant is aware of the Office Policy of arguments presented after a Final rejection. The examiner should not issue an arbitrary "Advisory Action after Final" but give serious consideration to applicant's argument which are believed to be valid and correct.

Do not "check mark": they are not persuasive; they are persuasive if studied carefully

Do not "check mark": Why not earlier presented; They have been presented all along.

If the examiner does not agree with the arguments presented above, the examiner is respectfully requested to enter the arguments for the purpose of an appeal.



Werner H. Schroeder

Reg. No. 36,387

Date: 06/16/06